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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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RUSSELL GREER,

Plaintiff,

v.

JOSHUA MOON, *et al.*

Defendants.

**DEFENDANTS' RESPONSE TO  
MOTION FOR LEAVE TO AMEND  
(ECF No. 209)**

Case No. 2:24-cv-00421-DBB

District Judge David Barlow  
Magistrate Judge Jared C. Bennett

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NOW COME the Defendants, by and through undersigned counsel, and file this response to the Plaintiff's Motion for Leave to Amend his Complaint. ECF No. 209.

Without waiving any of Defendants' rights to appropriately respond to the proposed amended complaint under Fed. R. Civ. P. 11, Fed. R. Civ. P. 12, Fed. R. Civ. P. 19, or their rights under 28 U.S.C. § 1404, their rights under this Court's scheduling order to a speedy and efficient resolution of this case, and without waiving Defendants' rights under any other applicable provision of law or procedure, Defendants consent to the filing of Plaintiff's proposed First Amended Complaint.

Defendants respectfully request that their deadline for the filing of responsive pleadings be set at March 14, 2025, pursuant to Fed. R. Civ. P. 6 (b)(1) and DUCivR 6-2 (a). As good cause for a modest extension, Defendants respectfully submit that the instant response is being filed early (in advance of the February 28, 2025 deadline), and that undersigned counsel has multiple conflicting deadlines for dispositive briefing, hearings,

and travel during the last week of February and the first week of March, 2025. Defendants anticipate that they will likely file a dispositive motion, or multiple dispositive motions, in response to the First Amended Complaint. Defendants believe that motions practice relating to the amended complaint will likely be complex (and will perhaps be overlength pursuant to DUCivR 7-1 (a)(4)(A)) due to the complex procedural history of this case and the principle that “An amended complaint supersedes the original complaint and renders the original complaint of no legal effect.” *Franklin v. Kan. Dep't of Corr.*, 160 F. App'x 730, 734 (10th Cir. 2005)

DATED February 20, 2025

**HARDIN LAW OFFICE**

/s/ Matthew D. Hardin

**Matthew D. Hardin**

Attorney for Defendants